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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

In re A.F., a Person Coming
Under the Juvenile Court Law.

2d Juv. No. B289882
(Super. Ct. No. FJ52958)
(Los Angeles County)

THE PEOPLE,

Plaintiff and Respondent,

v.

A.F.,

Defendant and Appellant.

A petition filed pursuant to Welfare and Institutions Code section 602 charged A.F., a minor, with attempted second degree robbery, a felony. (Pen. Code, §§ 664, 211.) After a contested hearing, the juvenile court sustained the petition and declared it a felony. The court declared A.F. a ward of the court and committed him to camp placement for a term of five to seven months. A.F. appeals, contending that the evidence is

insufficient to sustain the juvenile court's finding of second degree robbery. We affirm.

FACTS

Maria C. was walking with her 10-year-old son one afternoon near 91st Street and Manhattan Place in Los Angeles. She saw A.F. and D.T. walking "shoulder-to-shoulder" together towards her. D.T. came around her side, grabbed her purse, and started pulling. She resisted. A.F. stood by and looked around in all directions, as if to see if anyone else was around, while D.T. and Maria C. struggled for control of the purse. Maria C.'s son screamed, causing A.F. and D.T. to run away without the purse.

Pedro Enriquez was nearby. He saw D.T. running from the scene and enter the passenger side of a car that drove away towards 91st Street. He told the police that D.T. was wearing gray clothing and the car was a blue SUV.

Los Angeles Police Department (LAPD) Officer Eric Dapello was on patrol with his partner driving southbound through an alley behind Western Avenue minutes after the attempted robbery. He saw a young man wearing a gray hoodie and gray pants walking in the alley. The young man went through a gate at the rear of 9125 Western Avenue. The officers drove around to the front of 9125 Western Avenue, where they saw a blue Mercedes SUV parked in front of the house, and three individuals, including A.F. and D.T., on the front porch. This location is about one block from the scene of the attempted robbery.

Because the homeowners of the residence had previously complained of unwanted young men loitering on their front porch without permission, Officer Dapello detained A.F. and D.T. for questioning. Within five minutes, Dapello received a

radio call about the attempted robbery one block away. The suspects were described as wearing gray sweaters. D.T. was wearing gray pants and a gray hoodie. A.F. was wearing gray with blue clothing. The caller also reported that a blue SUV was involved.

Meanwhile, LAPD Officer Robert Resurreccion responded to the scene of the attempted robbery, where he interviewed Maria C. and Enriquez. After they described the suspects, Resurreccion drove them to Western Avenue for a field identification. Maria C. identified D.T. as the young man who grabbed and pulled her purse; and A.F. as his companion who appeared to be acting as a lookout. Enriquez identified both individuals as being involved in the attempted robbery. He also identified the blue Mercedes SUV as the same one that fled the scene with D.T. as a passenger.

DISCUSSION

A.F. contends there is insufficient evidence to sustain the finding that he committed an attempted robbery, because the identification evidence was not reasonable, credible, and of solid value. He also contends that the evidence is insufficient to support a finding that he aided and abetted the crime of attempted robbery. Both contentions are wrong.

The test for determining whether the evidence is sufficient in a criminal case is whether, based on a review of the entire record, a reasonable trier of fact could find a defendant guilty beyond a reasonable doubt. (*People v. Ochoa* (1993) 6 Cal.4th 1199, 1206.) On appeal, we review the record in the light most favorable to the prosecution to determine whether it contains evidence which is reasonable, credible, and of solid value. (*In re George T.* (2004) 33 Cal.4th 620, 630-631.) We do

not resolve evidentiary conflicts. (*People v. Yeoman* (2003) 31 Cal.4th 93, 128.) The testimony of a single witness is sufficient to support a conviction. (*People v. Young* (2005) 34 Cal.4th 1149, 1181.) ““To warrant rejection of the statements given by a witness who has been believed by [a trier of fact], there must exist either a physical impossibility that they are true, or their falsity must be apparent without resorting to inference or deductions.”” (*People v. Barnes* (1986) 42 Cal.3d 284, 306.) We are required to uphold a judgment when the record contains supporting evidence even when, in our opinion as a reviewing court, the evidence can be reasonably reconciled with a contrary finding. (*People v. Garcia* (1969) 275 Cal.App.2d 517, 521.)

The Identification Evidence

The record contains evidence showing that A.F. was identified as a participant in the attempted robbery of Maria C. Here, Maria C. testified that both A.F. and D.T. approached her walking “shoulder-to-shoulder.” She testified that as D.T. attempted to wrestle her purse away from her, A.F. stood by and looked around, as if to see if anyone was nearby. When her son screamed, both young men ran away. Less than five minutes later, they were apprehended only one block away, wearing clothing similar in color to that worn by the attempted robbery suspects.

During a field identification conducted immediately after the attempted robbery, Maria C. and Enriquez identified A.F. and D.T. as the individuals who attempted to forcibly take Maria C.’s purse. In addition, Enriquez identified the getaway vehicle as the same vehicle parked near the front porch where A.F. and D.T. were found. Because this testimony is neither physically impossible nor demonstrably false, we must uphold the

juvenile court's finding that A.F. was involved in the attempted robbery.

Aiding and Abetting

An aider and abettor is one who acts “with knowledge of the criminal purpose of the perpetrator and with an intent or purpose either of committing, or of encouraging or facilitating commission of, the offense.” (*People v. Beeman* (1984) 35 Cal.3d 547, 560, italics omitted.) Acting as a lookout while another person commits an offense necessarily facilitates the offense. (*In re Gary F.* (2014) 226 Cal.App.4th 1076, 1080-1081.) “Such conduct is a textbook example of aiding and abetting.” (*People v. Campbell* (1994) 25 Cal.App.4th 402, 409.) In order to prove an attempted robbery, the prosecution must prove “a specific intent to commit the crime, and a direct but ineffectual act done toward its commission.’ [Citations.]” (*People v. Medina* (2007) 41 Cal.4th 685, 694.)

Here, the evidence unquestionably supports the finding that A.F. aided and abetted D.T.’s attempt to rob Maria C. of her purse. Maria C. testified that A.F. approached her with D.T. and stood by during the attempted robbery while acting as a lookout. When her young son screamed, A.F. and D.T. ran away. A short time later, they were apprehended together one block away in close proximity to the getaway vehicle that drove D.T. from the scene. This scenario represents a textbook example of two participants acting together to accomplish the robbery of an unsuspecting bystander. Nothing more is required.

DISPOSITION

The judgment (adjudication and disposition) is affirmed.

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TANGEMAN, J.

We concur:

GILBERT, P. J.

PERREN, J.

Gibson W. Lee, Judge; Robert J. Totten, Commissioner

Superior Court County of Los Angeles

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